

CHAPTER 222

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 21-268

BY SENATOR(S) Zenzinger and Lundeen, Bridges, Buckner, Coleman, Cooke, Donovan, Fenberg, Fields, Gardner, Ginal, Gonzales, Hansen, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Simpson, Smallwood, Sonnenberg, Story, Winter, Woodward, Garcia;
 also REPRESENTATIVE(S) McLachlan and McCluskie, Amabile, Bacon, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kennedy, Kipp, Lontine, McCormick, Michaelson Jenet, Ortiz, Roberts, Sandridge, Sirota, Snyder, Sullivan, Titone, Valdez D., Van Winkle, Weissman, Williams, Young, Garnett.

AN ACT

CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-54-104, **add** (5)(a)(XXVIII) and (5)(g)(I)(L) as follows:

22-54-104. District total program - definitions. (5) For purposes of the formulas used in this section:

(a) (XXVIII) FOR THE 2021-22 BUDGET YEAR, THE STATEWIDE BASE PER PUPIL FUNDING IS \$7,225.28, WHICH IS AN AMOUNT EQUAL TO \$7,083.61, SUPPLEMENTED BY \$141.67 TO ACCOUNT FOR INFLATION.

(g) (I) For the 2010-11 budget year and each budget year thereafter, the general assembly determines that stabilization of the state budget requires a reduction in the amount of the annual appropriation to fund the state's share of total program funding for all districts and the funding for institute charter schools. The department of education shall implement the reduction in total program funding through the application of a budget stabilization factor as provided in this subsection (5)(g)(I). For the 2010-11 budget year and each budget year thereafter, the department of education and the staff of the legislative council shall determine, based on budget projections, the amount of such reduction to ensure the following:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(L) THAT, FOR THE 2021-22 BUDGET YEAR, THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, AFTER APPLICATION OF THE BUDGET STABILIZATION FACTOR, IS NOT LESS THAN SEVEN BILLION NINE HUNDRED EIGHTY-EIGHT MILLION FIVE HUNDRED TWENTY-SEVEN THOUSAND SEVEN HUNDRED ELEVEN DOLLARS (\$7,988,527,711); EXCEPT THAT THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES, INCLUDING BUT NOT LIMITED TO ACTUAL PUPIL ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE REDUCTION TO MAINTAIN A TOTAL PROGRAM FUNDING AMOUNT FOR THE APPLICABLE BUDGET YEAR THAT IS CONSISTENT WITH THIS SUBSECTION (5)(g)(I)(L). FOR THE 2022-23 BUDGET YEAR, THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING MUST NOT EXCEED THE DIFFERENCE BETWEEN CALCULATED STATEWIDE TOTAL PROGRAM FUNDING AND ACTUAL STATEWIDE TOTAL PROGRAM FUNDING FOR THE 2021-22 BUDGET YEAR.

SECTION 2. In Colorado Revised Statutes, 22-60.5-107, **amend** (2.6) as follows:

22-60.5-107. Grounds for denying, annulling, suspending, or revoking license, certificate, endorsement, or authorization - definition. (2.6) (a) In addition to the offenses described in subsection (2.5) of this section, the state board of education shall deny, annul, suspend, or revoke a license, certificate, endorsement, or authorization if the applicant for or holder of the license, certificate, endorsement, or authorization is convicted of a felony drug offense described in part 4 of article 18 of title 18, ~~C.R.S.~~; committed on or after August 25, 2012, OR IS CONVICTED OF AN OFFENSE UNDER THE LAWS OF ANOTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES, COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2.6)(a), AS AMENDED, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO A FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18 OF TITLE 18. The requirement that the state board of education deny, annul, suspend, or revoke a license, certificate, endorsement, or authorization shall only apply for a period of five years following the date the offense was committed.

(b) ~~Nothing in~~ This subsection (2.6) ~~shall~~ DOES NOT limit the authority of the state board of education to deny, annul, suspend, or revoke a license, certificate, endorsement, or authorization if the applicant or holder is convicted of a felony drug offense described in part 4 of article 18 of title 18, ~~C.R.S.~~; committed prior to August 25, 2012, OR IS CONVICTED OF AN OFFENSE UNDER THE LAWS OF ANOTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES, COMMITTED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (2.6), AS AMENDED, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO A FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18 OF TITLE 18.

(c) ~~For purposes of~~ AS USED IN this subsection (2.6), "convicted" or "conviction" means a conviction by a jury verdict or by entry of a verdict or acceptance of a guilty plea or a plea of nolo contendere by a court.

SECTION 3. In Colorado Revised Statutes, 22-11-206, **add** (5) as follows:

22-11-206. Accreditation of school districts and institute - contracts - rules - repeal. (5) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION OR SECTION 22-11-208 TO THE CONTRARY, THE ACCREDITATION CONTRACT THAT THE STATE BOARD ENTERS INTO WITH EACH LOCAL SCHOOL BOARD AND WITH THE INSTITUTE AT THE BEGINNING OF THE 2021-22 SCHOOL YEAR SHALL HAVE A TERM OF EIGHTEEN MONTHS.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 4. In Colorado Revised Statutes, 22-51-105, **amend** (1) as follows:

22-51-105. Certifications by school boards, governing boards, and facility schools - rules. (1) On or before ~~August~~ SEPTEMBER 15 of each year, the school board of each school district entitled to and desiring reimbursement under this article 51, the state charter school institute board, and each facility school entitled to and desiring reimbursement under this article 51 shall certify to the state board of education, on forms provided by the commissioner of education, any information the board deems necessary to determine the reimbursement entitlement of the district, the institute, or the facility school. The information includes, but is not limited to, the total amount of the school district's, institute's, or facility school's current operating expenditures for pupil transportation during the preceding entitlement period, the total number of miles traveled and the total number of pupils transported on the pupil enrollment count day, as defined in section 22-54-103 (10.5), during the preceding entitlement period by vehicles operated by or for the school district, the institute, or the facility school in providing pupil transportation, and the transportation route descriptions in effect on the pupil enrollment count day.

SECTION 5. In Colorado Revised Statutes, 22-51-106, **amend** (1)(a) as follows:

22-51-106. Certification to and payment by state treasurer - deficiency in fund. (1) (a) On or before ~~October~~ NOVEMBER 15 of each year, the commissioner of education shall certify to the state treasurer the amount of the advance reimbursement entitlement of each school district, the state charter school institute, and each facility school for the current entitlement period and the amount of the final reimbursement entitlement of each school district, the institute, and each facility school for the preceding entitlement period. The state treasurer shall thereupon pay from the public school transportation fund directly to the treasurer of each school district ~~which~~ THAT has elected under the law to withdraw its funds from the custody of the county treasurer, directly to the treasurer of the state charter school institute, and directly to the treasurer of each facility school the amount certified as the total reimbursement entitlement of the school district, the institute, or the facility school; and, for all other school districts, the state treasurer shall pay to the county treasurer of the county in which each school district has its headquarters the amount certified as the total reimbursement entitlement of each district, and the county treasurer shall forthwith credit to the general fund of each district in the county the amount certified therefor.

SECTION 6. In Colorado Revised Statutes, 22-54-103, **amend** (10.5)(a)(III) as follows:

22-54-103. Definitions. As used in this article 54, unless the context otherwise requires:

(10.5) (a) "Pupil enrollment count day" means October 1 of each year; except that:

(III) The department of education is authorized to establish alternative dates for determining pupil enrollment in appropriate circumstances, including, but not limited to, when schools are on a year-round schedule pursuant to section 22-32-109 (1)(n) and pupils will be on authorized breaks on October 1 within the applicable budget year; except that such alternative dates shall be set not more than forty-five ~~calendar~~ SCHOOL days after the first school day ~~occurring after October 1~~ OF THE APPLICABLE SCHOOL YEAR.

SECTION 7. In Colorado Revised Statutes, 22-7-1210.5, **amend** (6)(b) as follows:

22-7-1210.5. Per-pupil intervention money - uses - distribution - monitoring - repeal. (6) (b) (I) A local education provider may retain up to fifteen percent of the amount of per-pupil intervention money it receives in a budget year for use in accordance with this section in the next budget year. If a local education provider retains more than the amount authorized in this subsection (6)(b), the department shall reduce the amount of per-pupil intervention money that the local education provider is eligible to receive in the next budget year by the excess retention amount.

(II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (6)(b)(I) OF THIS SECTION, A LOCAL EDUCATION PROVIDER MAY RETAIN MORE THAN FIFTEEN PERCENT OF THE AMOUNT OF PER-PUPIL INTERVENTION MONEY RECEIVED IN THE 2020-21 BUDGET YEAR FOR USE IN ACCORDANCE WITH THIS SECTION IN THE 2021-22 BUDGET YEAR.

(B) THIS SUBSECTION (6)(b)(II) IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 8. In Colorado Revised Statutes, 22-45-103, **amend** (1)(k) as follows:

22-45-103. Funds - repeal. (1) The following funds are created for each school district for purposes specified in this article 45.

(k) **Total program reserve fund.** (I) A school district shall deposit the property tax revenues that it collects from a tax levy imposed pursuant to section 22-54-107 (5) in the total program reserve fund of the district. The district may expend money from the total program reserve fund only to offset the amount of a reduction in the district's state share caused by application of the budget stabilization factor pursuant to section 22-54-104 (5)(g); except that, in a budget year in which the school district levies for its total program the number of mills calculated pursuant to section 22-54-106 (2)(a)(II), (2.1)(b)(I)(C), or (2.1)(c)(I), whichever is applicable, if the balance of the total program reserve fund exceeds an amount equal to the district's total program for that budget year multiplied by the budget stabilization factor calculated pursuant to section 22-54-104 (5)(g) for that budget year, the district may expend the amount of the excess balance. Any money remaining in the fund at the

end of a fiscal year must remain in the fund and may be used in future years only as provided in this subsection (1)(k).

(II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(k)(I) OF THIS SECTION TO THE CONTRARY, FOR THE 2020-21 BUDGET YEAR, A DISTRICT MAY EXPEND MONEY FROM THE TOTAL PROGRAM RESERVE FUND TO ENSURE THAT THE DISTRICT'S TOTAL PROGRAM FUNDING FOR THE 2020-21 BUDGET YEAR MEETS THE CONDITIONS SET FORTH IN SECTION 22-54-143 (3)(a) AND (3)(b) AS ADDED BY SENATE BILL 21-053, ENACTED IN 2021.

(B) THIS SUBSECTION (1)(k)(II) IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 9. In Colorado Revised Statutes, 22-54-143, **amend as added by Senate Bill 21-053** (4) as follows:

22-54-143. Additional funding - 2020-21 budget year - definitions - repeal.

(4) If a district's state share of total program funding pursuant to section 22-54-106, before application of the budget stabilization factor pursuant to section 22-54-104 (5)(g), was estimated during the 2020 legislative session to be less than one-half of one percent of the district's total program funding for the 2020-21 budget year, the department of education, in determining the district's total program funding for the 2020-21 budget year for purposes of subsection (3) of this section, shall include the balance, as of the effective date of Senate Bill 21-053 JULY 1, 2020, of the district's total program reserve fund established pursuant to section 22-45-103 (1)(k).

SECTION 10. In Colorado Revised Statutes, 22-28-106, **amend** (1)(a) introductory portion and (1)(a)(I) as follows:

22-28-106. Eligibility of children for participation in district preschool program. (1) (a) The state board shall establish, by rule, criteria for each school district to use in determining which children in the school district shall be ARE eligible for participation in the district preschool program, subject to the following requirements:

(I) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(B) OF THIS SECTION, a child who is three, four, or five years old and meets the criteria specified in subparagraphs (H) to (IV) of this paragraph (a) SUBSECTIONS (1)(a)(II) TO (1)(a)(IV) OF THIS SECTION and any other criteria established by rule may participate in the district preschool program.

(B) A SCHOOL DISTRICT THAT OPERATED A DISTRICT PRESCHOOL PROGRAM IN THE 2019-20 SCHOOL YEAR WITH A WAIVER TO SERVE CHILDREN UNDER THREE YEARS OF AGE MAY CONTINUE IN SUBSEQUENT SCHOOL YEARS TO USE THE SAME NUMBER OF PRESCHOOL POSITIONS USED FOR CHILDREN UNDER THREE YEARS OF AGE IN THE 2019-20 SCHOOL YEAR TO PROVIDE PRESCHOOL SERVICES TO CHILDREN UNDER THREE YEARS OF AGE WHO HAVE MULTIPLE SIGNIFICANT FAMILY RISK FACTORS.

SECTION 11. In Colorado Revised Statutes, 22-54-103, **amend** (9.5)(b)(I) as follows:

22-54-103. Definitions. As used in this article 54, unless the context otherwise

requires:

(9.5) (b) For purposes of determining preschool program enrollment for the 2008-09 budget year and each budget year thereafter, a district shall count and receive funding only for:

(I) Pupils enrolled in a district preschool program pursuant to section 22-28-104 who are three years old as of October 1 of the applicable budget year; EXCEPT THAT, SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 22-28-106 (1)(a)(I)(B), A DISTRICT PRESCHOOL PROGRAM MAY COUNT PUPILS WHO ARE UNDER THREE YEARS OF AGE AS OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR; and

SECTION 12. In Colorado Revised Statutes, **amend** 22-44-103.7 as follows:

22-44-103.7. Budget provisions for the 2021-22 budget year - repeal.

(1) Notwithstanding any provision of law to the contrary, for the ~~2020-21~~ 2021-22 budget year:

(a) A board of education shall prepare and submit a proposed budget in accordance with section 22-44-108 not later than June 23, ~~2020~~ 2021;

(b) After submission of a proposed budget, but not later than June 25, ~~2020~~ 2021, the board of education shall publish a notice of proposed school budget. The notice must be published in a newspaper having general circulation in the school district at least once prior to the date specified in the notice for consideration of the proposed school budget. If there is no newspaper having general circulation in the school district, or the notice cannot be published in the newspaper prior to the date specified in the notice for consideration of the budget, the secretary of the board of education shall cause the notice to be posted for at least two business days in the administrative offices of the district and in two other public places in the district prior to the date specified in the notice for consideration of the budget.

(c) The provisions of section 22-44-104 apply if a board of education does not adopt a budget and an appropriation resolution by June 30, ~~2020~~ 2021. After the adoption of the budget, the board may review and change the budget pursuant to section 22-44-110 (5).

(2) This section is repealed, effective July 1, ~~2021~~ 2022.

SECTION 13. In Colorado Revised Statutes, **repeal** 22-30.5-112 (11)(b), 22-30.5-112.1 (7)(b), 22-30.5-112.2 (4)(b), 22-30.5-504 (10)(d)(II), 22-30.5-510 (1)(a.7)(II), and 22-30.5-513 (5.5)(b).

SECTION 14. In Colorado Revised Statutes, 22-32.5-110, **add** (3) as follows:

22-32.5-110. District of innovation - review of innovation schools and innovation school zones - repeal. (3) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A LOCAL SCHOOL BOARD:

(I) SHALL NOT REVIEW AN EXISTING INNOVATION SCHOOL, INNOVATION SCHOOL ZONE, OR A PUBLIC SCHOOL INCLUDED IN AN INNOVATION SCHOOL ZONE OR MAKE

ANY REVISIONS TO AN EXISTING INNOVATION SCHOOL PLAN OR INNOVATION SCHOOL ZONE PLAN PURSUANT TO THIS SECTION DURING THE 2021-22 SCHOOL YEAR; AND

(II) SHALL NOT MAKE REVISIONS TO AN EXISTING INNOVATION SCHOOL OR INNOVATION SCHOOL ZONE PLAN THAT HAVE NOT BEEN APPROVED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (3).

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 15. In Colorado Revised Statutes, 22-91-104, **amend** (5)(a) as follows:

22-91-104. School counselor corps grant program - application - criteria - grant awards - rules - repeal. (5) (a) Subject to available appropriations, ~~but not to exceed ten million dollars annually,~~ the state board shall award grants to applying education providers pursuant to this section. The state board shall base the grant awards on the department's recommendations. Each grant has a term of four years beginning in the 2014-15 budget year. In making a grant award, the state board shall specify the amount of each grant.

SECTION 16. In Colorado Revised Statutes, 22-5-111, **add** (4) as follows:

22-5-111. Buildings and facilities - repeal. (4) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 5 TO THE CONTRARY, DURING THE 2021-22 STATE FISCAL YEAR, BEFORE AUTHORIZING A FULL-TIME SCHOOL OR AN ADDITIONAL LOCATION OF AN EXISTING SCHOOL THAT IS PHYSICALLY LOCATED WITHIN THE GEOGRAPHIC BOUNDARIES OF A SCHOOL DISTRICT THAT IS NOT A MEMBER OF THE BOARD OF COOPERATIVE SERVICES, A BOARD OF COOPERATIVE SERVICES MUST OBTAIN WRITTEN CONSENT FROM SUCH SCHOOL DISTRICT.

(b) THE REQUIREMENT FOR WRITTEN CONSENT SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION DOES NOT APPLY TO A SCHOOL AUTHORIZED OR OPERATING PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (4), SO LONG AS THE SCHOOL CONTINUES TO OPERATE FOR THE 2021-22 SCHOOL YEAR.

(c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 17. In Colorado Revised Statutes, **amend** 22-33-201.5 as follows:

22-33-201.5. Definitions. ~~For purposes of~~ AS USED IN this part 2, unless the context otherwise requires:

(1) "BEHAVIORAL MANAGEMENT PLAN" MEANS AN ACTION PLAN TO ADDRESS BEHAVIORAL, ATTENDANCE, AND TRUANCY ISSUES, INCLUDING APPROPRIATE SERVICES AND SUPPORTS THAT ARE DEVELOPED IN COORDINATION WITH STUDENTS, PARENTS, AND SCHOOL PERSONNEL.

(2) "CHRONIC ABSENTEEISM" MEANS A STUDENT IS ABSENT FOR ANY REASON, EXCUSED OR UNEXCUSED, TEN PERCENT OR MORE OF THE DAYS FOR WHICH THE STUDENT IS ENROLLED IN A PUBLIC SCHOOL DURING THE SCHOOL YEAR.

~~(1)~~ (3) "Educational services" means any of the following types of services to provide instruction in the academic areas of reading, writing, mathematics, science, and social studies TO MEET STATE ACADEMIC STANDARDS, REDUCE COURSE FAILURE, AND INCREASE POSTSECONDARY AND WORKFORCE READINESS:

(a) Tutoring services, COURSE REMEDIATION, CREDIT RECOVERY, AND SUPPLEMENTAL EDUCATION SERVICES;

(b) Alternative educational programs; AND

(c) Career and technical education programs, WORK-BASED LEARNING OPPORTUNITIES, AND CONCURRENT ENROLLMENT.

~~(2)~~ (4) "Facility school" means an approved facility school as defined in section 22-2-402 (1).

SECTION 18. In Colorado Revised Statutes, **amend** 22-33-202 as follows:

22-33-202. Identification of at-risk students - attendance issues - disproportionate discipline practices. (1) Each school district shall adopt policies to identify students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are at risk of ~~suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive~~ DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM AND DISCIPLINARY ACTIONS, INCLUDING CLASSROOM REMOVAL, SUSPENSION, AND EXPULSION. The school district shall provide students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are identified as at risk of ~~suspension or expulsion~~ DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS with a plan to provide the necessary support services to help them ~~avoid expulsion~~ REMAIN IN SCHOOL. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. ~~The failure of the school district to identify a student for participation in an expulsion-prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.~~

(2) IN PROVIDING NECESSARY SUPPORT SERVICES PURSUANT TO SUBSECTION (1) OF THIS SECTION, each school district may provide ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTION, AND educational services to students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are identified as at risk of ~~suspension or expulsion from school~~ DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS, INCLUDING CLASSROOM REMOVAL, SUSPENSION, AND EXPULSION. Any school district that provides ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTION, OR educational services to students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are at risk of ~~suspension or expulsion~~ DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS may apply for ~~moneys~~ MONEY through the expelled and at-risk student services grant program established in section 22-33-205 to assist in

providing such ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTION, AND educational services.

SECTION 19. In Colorado Revised Statutes, 22-33-203, **amend** (2) and (4) as follows:

22-33-203. Educational alternatives for expelled students. (2) (a) Except as otherwise provided in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, upon request of a student or the student's parent or guardian, the school district shall provide, for any student who is expelled from the school district, any educational services that are deemed appropriate for the student by the school district. The educational services provided must be designed to enable the student to return to the school in which he or she was enrolled prior to expulsion, to successfully complete the high school equivalency examination, or to enroll in a nonpublic ~~nonparochial~~ school or in an alternative school, including but not limited to a charter school. ~~or a pilot school established pursuant to article 38 of this title.~~ The expelling school district shall determine the amount of credit the student must receive toward graduation for the educational services provided pursuant to this section.

(b) The educational services provided pursuant to this section are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the conduct and discipline code of the school district providing the educational services and the provisions of part 1 of this ~~article~~ ARTICLE 33. Except as required by federal law, the expelling school district is not required to provide educational services to any student who is suspended or expelled while receiving educational services pursuant to this section until the period of the suspension or expulsion is completed.

(c) (I) Educational services provided pursuant to this section shall be provided by the expelling school district; except that the expelling school district may provide educational services either directly or ~~in cooperation~~ PURSUANT TO AN AGREEMENT with one or more other school districts, boards of cooperative services, charter schools, OR nonpublic ~~nonparochial~~ schools. ~~or pilot schools established pursuant to article 38 of this title under contract with the expelling school district.~~ Any program of educational services provided by a nonpublic ~~nonparochial~~ school ~~shall be~~ is subject to approval by the state board of education pursuant to section 22-2-107.

(II) Educational services may be provided by the school district through agreements entered into pursuant to section 22-33-204. The expelling school district need not provide the educational services on school district property. Any expelled student receiving educational services shall be included in the expelling school district's pupil enrollment as defined in section 22-54-103 (10).

(d) If an expelled student is receiving educational services delivered by a school district other than the expelling school district, by a charter school in a school district other than the expelling school district, by a board of cooperative services, OR by a nonpublic ~~nonparochial~~ school, ~~or by a pilot school~~ pursuant to an agreement entered into pursuant to ~~subparagraph (f) of paragraph (c) of this~~

~~subsection (2)~~ SUBSECTION (2)(c)(I) OF THIS SECTION, the expelling school district shall transfer ninety-five percent of the district per-pupil revenues, as defined in section 22-30.5-112 (2)(a.5)(II) to the school district, charter school, nonpublic ~~nonparochial~~ school, OR board of cooperative services ~~or pilot school~~ that is providing educational services, reduced in proportion to the amount of time remaining in the school year at the time the student begins receiving educational services.

(e) Any school district, charter school, nonpublic ~~nonparochial~~ school, OR board of cooperative services ~~or pilot school~~ that is providing educational services to expelled students pursuant to this subsection (2) may apply for ~~moneys~~ MONEY through the expelled student services grant program established in section 22-33-205 to assist in providing educational services.

(4) In addition to the educational services required under this section, a student who is at risk ~~of suspension or expulsion~~ OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS or has been suspended or expelled, or the student's parent or guardian, may request any of the services provided by the school district through an agreement entered into pursuant to section 22-33-204, and the school district may provide such services.

SECTION 20. In Colorado Revised Statutes, 22-33-204, **amend** (1) and (3); and **add** (1.5) as follows:

22-33-204. Services for at-risk students - agreements with state agencies and community organizations. (1) Each school district, regardless of the number of students expelled by the district, may enter into agreements with appropriate local governmental agencies and, to the extent necessary, with the managing state agencies, including the department of human services and the department of public health and environment; with community-based nonprofit and faith-based organizations; with nonpublic ~~nonparochial~~ schools; with the department of military and veterans affairs and with public and private institutions of higher education to work with the student's parent or guardian to provide services to any student IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE, or the student's family, who is identified as being at risk ~~of suspension or expulsion or who has been suspended or expelled~~ OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS. Any services provided pursuant to an agreement with a nonpublic ~~nonparochial~~ school are subject to approval by the state board of education pursuant to section 22-2-107. Services provided through such agreements may include, but are not limited to:

(a) ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTIONS, AND educational services required to be provided ~~under~~ PURSUANT TO section 22-33-203 (2) and any educational services provided to ~~at-risk students identified~~ STUDENTS WHO ARE IDENTIFIED AS AT RISK OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS pursuant to section 22-33-202;

(b) Counseling services;

(c) Substance use disorder treatment programs;

(d) Family preservation services;

~~(e) and (f) (Deleted by amendment, L. 98, p. 570, § 3, effective April 30, 1998.)~~

(e) RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION 22-32-144; AND

(f) ALTERNATIVES TO SUSPENSION SYSTEMS AND SUPPORTS.

(1.5) EACH SCHOOL DISTRICT, REGARDLESS OF THE NUMBER OF STUDENTS EXPELLED BY THE DISTRICT, MAY ENTER INTO AGREEMENTS WITH APPROPRIATE LOCAL GOVERNMENT AGENCIES AND, TO THE EXTENT NECESSARY, WITH THE MANAGING STATE AGENCIES AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION TO PROVIDE SERVICES AND TECHNICAL ASSISTANCE TO EMPLOYEES TO SUPPORT STUDENTS WHO ARE IDENTIFIED AS AT RISK OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS. SERVICES AND TECHNICAL ASSISTANCE PROVIDED THROUGH SUCH AGREEMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO:

(a) ATTENDANCE, DISCIPLINE, AND GRADING POLICIES AND PRACTICE REVIEW;

(b) TRAINING IN BEHAVIOR INTERVENTIONS AND CLASSROOM MANAGEMENT; AND

(c) EQUITY, DIVERSITY, AND INCLUSION TRAINING, INCLUDING ANTI-BIAS TRAINING.

(3) Each school district shall use a portion of its per-pupil revenues to provide services under agreements entered into pursuant to this section ~~for each student who is at risk of suspension or expulsion or who is suspended or expelled~~ FOR STUDENTS IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE AT RISK OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION TO IMPLEMENT THE SUPPORTS AND SERVICES DESCRIBED IN SUBSECTION (1) OF THIS SECTION. In addition, the school district may use federal ~~moneys, moneys~~ MONEY, MONEY received from any other state appropriation, and ~~moneys~~ MONEY received from any other public or private grant to provide said services.

SECTION 21. In Colorado Revised Statutes, **amend** 22-33-205 as follows:

22-33-205. Services for expelled and at-risk students - grants - criteria.

(1) (a) There is ~~hereby~~ established in the department of education the expelled and at-risk student services grant program, referred to in this section as the "program". The program ~~shall provide~~ PROVIDES grants to school districts, to charter schools, to alternative schools within school districts, to nonpublic ~~nonparochial~~ schools, to boards of cooperative services, AND to facility schools ~~and to pilot schools established pursuant to article 38 of this title~~ to assist them in providing educational services, and other services provided pursuant to section 22-33-204; to expelled students pursuant to section 22-33-203 (2); to ~~students at risk of expulsion~~ STUDENTS WHO ARE IDENTIFIED AS AT RISK OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION as identified pursuant to section 22-33-202 (1); and to truant students PURSUANT TO SECTIONS 22-33-107 (3) AND 22-33-108 (5). NONPUBLIC SCHOOLS MAY APPLY FOR A GRANT PURSUANT TO THIS SECTION ONLY TO FUND EDUCATIONAL SERVICES THAT HAVE BEEN APPROVED BY

THE STATE BOARD PURSUANT TO SECTION 22-2-107.

~~(b) In addition to school districts, charter schools, alternative schools within school districts, nonpublic, nonparochial schools, boards of cooperative services, facility schools, and pilot schools, the department of military and veterans affairs may apply for a grant pursuant to the provisions of this section to assist the department with a program to provide educational services to expelled students; except that nonpublic, nonparochial schools may only apply for a grant pursuant to the provisions of this section to fund educational services that have been approved by the state board pursuant to section 22-2-107. The department shall follow application procedures established by the department of education pursuant to subsection (2) of this section. The department of education shall determine whether to award a grant to the department of military and veterans affairs and the amount of the grant.~~

~~(c) Grants awarded pursuant to this section shall be paid for out of any moneys MONEY appropriated to the department of education for implementation of the program.~~

~~(2) (a) The state board by rule shall establish application procedures by which a school district, a charter school, an alternative school within a school district, a nonpublic, nonparochial school, a board of cooperative services, a facility school or a pilot school may annually apply for a grant under the program. At a minimum, the application shall include a plan for provision of educational services, including the type of educational services to be provided, the estimated cost of providing such educational services, and the criteria that will be used to evaluate the effectiveness of the educational services provided. THE STATE BOARD SHALL ADOPT RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, FOR THE IMPLEMENTATION OF THE PROGRAM, INCLUDING, BUT NOT LIMITED TO, RULES REGARDING:~~

~~(a) THE APPLICATION TIMELINE AND PROCEDURES BY WHICH A SCHOOL DISTRICT, A CHARTER SCHOOL, AN ALTERNATIVE SCHOOL WITHIN A SCHOOL DISTRICT, A NONPUBLIC SCHOOL, A BOARD OF COOPERATIVE SERVICES, OR A FACILITY SCHOOL MAY ANNUALLY APPLY FOR A GRANT UNDER THE PROGRAM;~~

~~(b) THE GRANT APPLICATION REQUIREMENTS, WHICH AT A MINIMUM MUST INCLUDE:~~

~~(I) A PLAN TO PROVIDE EDUCATIONAL SERVICES, ATTENDANCE SUPPORTS, AND BEHAVIOR INTERVENTIONS. THE PLAN MUST ADDRESS:~~

~~(A) DISPROPORTIONATE DISCIPLINE PRACTICES, CHRONIC ABSENTEEISM, AND ALTERNATIVES TO SUSPENSION AND EXPULSION; AND~~

~~(B) EFFECTIVE ATTENDANCE AND DISCIPLINE SYSTEMS, WHICH MAY INCLUDE MULTI-TIERED SYSTEMS OF SUPPORT, POSITIVE BEHAVIOR INTERVENTION MODELS, AND RESTORATIVE JUSTICE PRACTICES AS DESCRIBED IN SECTION 22-32-144;~~

~~(II) A DESCRIPTION OF THE SUPPORTS AND SERVICES TO BE PROVIDED, INCLUDING THE NUMBER OF STUDENTS SERVED AND HOW THE EFFECTIVENESS OF THE SUPPORTS~~

AND SERVICES WILL BE DETERMINED AND MEASURED; AND

(III) THE TRAINING AND TECHNICAL ASSISTANCE PROVIDED TO ENSURE THE EFFECTIVE IMPLEMENTATION OF SUPPORTS, SERVICES, AND PROGRAMMING, WHICH MAY INCLUDE EQUITY, DIVERSITY, AND INCLUSION TRAINING;

~~(b)~~ (c) The ~~state board shall~~ CRITERIA TO determine which of the applicants ~~shall~~ receive grants and the amount of each grant. In awarding grants, the state board shall consider the following criteria:

~~(I) The costs incurred by the applicant in providing educational services to expelled or at-risk students pursuant to the provisions of this part 2 during the school year preceding the school year for which the grant is requested;~~ THE QUALITY OF STUDENT SUPPORTS AND SERVICES PROVIDED UNDER THE PLAN AND THE LIKELIHOOD THAT THE PLAN WILL ACHIEVE ITS INTENDED RESULTS, INCLUDING:

(A) INCREASING ACADEMIC SUCCESS;

(B) REDUCING CHRONIC ABSENTEEISM;

(C) DECREASING CONDUCT AND DISCIPLINE CODE VIOLATIONS;

(D) INCREASING AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE DISCIPLINE METHODS; AND

(E) INCREASING STUDENT AND FAMILY ENGAGEMENT;

(II) (Deleted by amendment, L. 98, p. 570, § 4, effective April 30, 1998.)

(III) The number of expelled, at-risk, or ~~truant~~ CHRONICALLY ABSENT students who are receiving ATTENDANCE AND BEHAVIOR INTERVENTIONS AND educational services through the applicant under agreements entered into pursuant to the provisions of this part 2 during the school year preceding the year for which the grant is requested;

(IV) ~~The quality of educational services to be provided by the applicant under the plan;~~

(V) ~~The cost-effectiveness of the educational services to be provided under the plan,~~ INCLUDING THE AMOUNT OF FUNDING REQUESTED BY THE APPLICANT IN RELATION TO THE COST OF THE SUPPORTS AND SERVICES TO BE PROVIDED UNDER THE PLAN;

(VI) ~~The amount of funding received by the applicant in relation to the cost of the educational services provided under the plan;~~ and THE COST-EFFECTIVENESS AND QUALITY OF THE SERVICES DESCRIBED IN SECTION 22-33-204 (1.5) TO BE PROVIDED BY THE APPLICANT UNDER THE PLAN TO EMPLOYEES WHO SUPPORT STUDENTS AT RISK OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION;

(VII) If the applicant is seeking to renew a grant or has been awarded a grant

pursuant to this section in the previous five years, the demonstrated effectiveness ~~of the educational services funded by the previous grant~~ OF SERVICES FUNDED BY THE PREVIOUS GRANT; AND

(VIII) THE NEED FOR SERVICES IN RURAL, SUBURBAN, AND URBAN COMMUNITIES.

(3) The state board shall ~~annually award at least forty-five percent of any moneys appropriated for the program to applicants that provide educational services to students from more than one school district and~~ at least one-half of any increase in the appropriation for the program for the 2009-10 fiscal year to applicants that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of students and families. The services and supports shall include, but need not be limited to, alternatives to guardian ad litem representation in truancy proceedings.

(4) The department of education is authorized to retain up to one percent of any money appropriated for the program for the purpose of annually evaluating the program. The department of education is authorized and encouraged to retain up to an additional two percent of any money appropriated for the program for the purpose of partnering with organizations or agencies that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of students and families. ~~The services and supports shall include, but need not be limited to, alternatives to guardian ad litem representation in truancy proceedings.~~ Notwithstanding section 24-1-136 (11)(a)(I), on or before January 1, 2006, and on or before January 1 each year thereafter, the department of education shall report to the education committees of the house of representatives and the senate, or any successor committees, the evaluation findings on the outcomes and the effectiveness of the program related to school attendance, attachment, and achievement. ~~The report shall also include specific information on the efficacy of services and supports that provide alternatives to court involvement and guardian ad litem representation in truancy proceedings.~~ AT A MINIMUM, THE REPORT MUST INCLUDE:

(a) SPECIFIC INFORMATION ON THE EFFICACY OF SERVICES AND SUPPORTS TO REDUCE TRUANCY COURT REFERRALS AND PROVIDE ALTERNATIVES TO TRUANCY COURT INVOLVEMENT;

(b) THE EFFECTIVENESS OF PROGRAM-RELATED ATTENDANCE, SUPPORTIVE SCHOOL DISCIPLINE, AND STUDENT ACHIEVEMENT, WHICH INCLUDE:

(I) ACADEMIC MEASURES, SUCH AS REDUCTION IN COURSE FAILURE, INCREASE IN GRADE POINT AVERAGE, AND ACCRUAL FOR CREDITS AT THE HIGH SCHOOL LEVEL;

(II) ATTENDANCE MEASURES, SUCH AS INCREASED ATTENDANCE RATES AND REDUCTIONS IN CHRONIC ABSENTEEISM;

(III) BEHAVIOR AND DISCIPLINE MEASURES, SUCH AS A DECLINE IN CLASSROOM REMOVAL, SUSPENSIONS, AND EXPULSION; A DECREASE IN EXCLUSIONARY DISCIPLINE ACTIONS; AND A REDUCTION IN REFERRALS TO LAW ENFORCEMENT, ARRESTS, AND TICKETING;

(IV) STUDENT ENGAGEMENT MEASURES, SUCH AS STUDENT AND PARENT ENGAGEMENT WITH THE SERVICES PROVIDED IN THE PLAN, PARTICIPATION IN PROGRAMS AND ACTIVITIES, AND THE NUMBER OF STUDENTS AND FAMILIES SERVED BY GRANT-FUNDED SERVICES;

(V) EFFICACY OF SERVICES AND SUPPORTS THAT ADDRESS DISPROPORTIONATE DISCIPLINE RATES AND THE CREATION OF AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE DISCIPLINE SYSTEMS; AND

(VI) EFFECTIVENESS OF TRAINING AND TECHNICAL ASSISTANCE PROVIDED BY THE GRANT FUNDS.

SECTION 22. In Colorado Revised Statutes, 24-90-120, **amend** (2) introductory portion, (2)(c), and (4)(a); and **add** (2)(e), (2)(f), and (6) as follows:

24-90-120. Colorado imagination library program - creation - request for proposal - state librarian duties - report - legislative declaration - definitions.
~~(2) Subject to available appropriations~~ No LATER THAN DECEMBER 31, 2021, the state librarian in the department of education shall contract with a Colorado nonprofit organization for the creation and operation of the Colorado imagination library program. The contractor shall:

(c) Develop, promote, and coordinate a public awareness campaign ~~to make donors aware of the opportunity to donate to the affiliate program and~~ IN COORDINATION WITH THE DEPARTMENT OF EDUCATION TO ENSURE ALIGNMENT WITH THE "COLORADO READ ACT", PART 12 OF ARTICLE 7 OF TITLE 22, INCLUDING ANY PUBLIC AWARENESS CAMPAIGN FOR THE "COLORADO READ ACT", AND TO make the public aware of the opportunity to register eligible children to receive FREE books through the program; ~~and~~

(e) PROVIDE FOR A HIGH-QUALITY INDEPENDENT EVALUATION OF THE IMPACT OF THE PROGRAM ON CHILD AND FAMILY OUTCOMES, INCLUDING CHILD LITERACY AND PARENT AND FAMILY ENGAGEMENT; AND

(f) ESTABLISH A DISTRESSED AFFILIATE FUND USING GIFTS, GRANTS, OR DONATIONS TO HELP COUNTY-BASED AFFILIATE PROGRAMS THAT HAVE FINANCIAL DIFFICULTY MEETING THE COUNTY-BASED AFFILIATE PROGRAMS' FUNDING REQUIREMENTS.

(4)(a) The contractor, in operating the program pursuant to subsection (2) of this section, shall pay to the national nonprofit foundation fifty percent of the statewide cost to provide FREE books to eligible children enrolled in the program, as determined by the national nonprofit foundation. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF EDUCATION FOR THE STATE LIBRARIAN TO DISTRIBUTE TO THE CONTRACTOR FOR THE STATE'S SHARE OF THE COST TO PROVIDE THE BOOKS.

(6)(a) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE FULL FUNDING BY 2026 FOR ANY ELIGIBLE CHILD WHO WANTS TO PARTICIPATE IN THE PROGRAM.

(b) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL

APPROPRIATE NINE HUNDRED SEVEN THOUSAND ONE HUNDRED FORTY DOLLARS FOR THE COLORADO IMAGINATION LIBRARY AND SHALL INCREASE THE APPROPRIATION IN SUBSEQUENT FISCAL YEARS AS NECESSARY TO MEET THE INTENTION OF THE GENERAL ASSEMBLY SET FORTH IN SUBSECTION (6)(a) OF THIS SECTION.

(c) TWENTY PERCENT OF MONEY APPROPRIATED FOR THE 2021-22 STATE FISCAL YEAR, AND TEN PERCENT OF MONEY APPROPRIATED FOR THE 2022-23 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, MAY BE USED FOR THE CONTRACTOR OPERATING THE PROGRAM FOR DUTIES SET FORTH IN SUBSECTIONS (2)(a) TO (2)(f) OF THIS SECTION.

SECTION 23. In Colorado Revised Statutes, 24-6-402, **amend** (2)(c)(IV) as follows:

24-6-402. Meetings - open to public - legislative declaration - definitions. (2) (c) (IV) For purposes of this section, "local public body" includes municipalities, counties, school ~~boards~~ DISTRICTS, and special districts.

SECTION 24. In Colorado Revised Statutes, 22-35-114, **add** (2.5) as follows:

22-35-114. Concurrent enrollment expansion and innovation grant program - created - report - rules - legislative declaration. (2.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) ON MARCH 11, 2021, THE FEDERAL GOVERNMENT ENACTED THE "AMERICAN RESCUE PLAN ACT OF 2021" (ARPA), PUB.L. 117-2, AS THE ACT MAY BE SUBSEQUENTLY AMENDED, PURSUANT TO WHICH COLORADO WILL RECEIVE \$3,828,761,790 FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO BE USED FOR CERTAIN SPECIFIED PURPOSES, INCLUDING "TO RESPOND TO THE PUBLIC HEALTH EMERGENCY WITH RESPECT TO THE CORONAVIRUS DISEASE 2019 (COVID-19) OR ITS NEGATIVE ECONOMIC IMPACTS, INCLUDING ASSISTANCE TO HOUSEHOLDS, SMALL BUSINESSES, AND NONPROFITS, OR AID TO IMPACTED INDUSTRIES SUCH AS TOURISM, TRAVEL, AND HOSPITALITY";

(II) UNDER THE AUTHORITY GRANTED PURSUANT TO SECTION 602 (f) OF THE ARPA, THE SECRETARY OF THE UNITED STATES TREASURY ADOPTED REGULATIONS PROVIDING FURTHER GUIDANCE TO STATES REGARDING THE AUTHORIZED USES OF THE MONEY ALLOCATED TO STATES FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO RESPOND TO THE PUBLIC HEALTH EMERGENCY OR ITS NEGATIVE ECONOMIC IMPACTS, WHICH INCLUDE:

(A) PROVIDING ASSISTANCE TO UNEMPLOYED WORKERS, INCLUDING JOB TRAINING FOR INDIVIDUALS WHO WANT TO AND ARE AVAILABLE FOR WORK;

(B) PROVIDING AID TO IMPACTED INDUSTRIES TO RESPOND TO THE NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY; AND

(C) PROVIDING PROGRAMS, SERVICES, OR OTHER ASSISTANCE FOR POPULATIONS DISPROPORTIONATELY IMPACTED BY THE COVID-19 PUBLIC HEALTH EMERGENCY, SUCH AS PROGRAMS OR SERVICES THAT ADDRESS OR MITIGATE THE IMPACTS OF THE PUBLIC HEALTH EMERGENCY ON EDUCATION;

(III) COLORADO'S ECONOMIC RECOVERY FROM THE COVID-19 PUBLIC HEALTH EMERGENCY REQUIRES A SKILLED WORKFORCE WHICH CAN BE STRENGTHENED THROUGH STUDENTS COMPLETING ACADEMIC AND CAREER AND TECHNICAL EDUCATION COURSES AND PROGRAMS, INCLUDING INDUSTRY CREDENTIALS, AND BY SUPPORTING THE EDUCATOR WORKFORCE IN ATTAINING THE CREDENTIALS NECESSARY TO PARTICIPATE IN CONCURRENT ENROLLMENT PARTNERSHIPS BETWEEN LOCAL EDUCATION PROVIDERS AND INSTITUTIONS OF HIGHER EDUCATION;

(IV) STUDENTS FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF COLOR, AND FIRST-GENERATION STUDENTS FACE INCREASED CHALLENGES DUE TO THE COVID-19 PANDEMIC AND THE LOSS OF STUDENT AND HOUSEHOLD INCOME IN PAYING FOR THE COSTS ASSOCIATED WITH OBTAINING WORKFORCE SKILLS AND IN COMPLETING ACADEMIC AND CAREER AND TECHNICAL EDUCATION COURSES AND PROGRAMS, INCLUDING INDUSTRY CREDENTIALS; AND

(V) WITHOUT ACCESS TO LOW-COST ACADEMIC AND CAREER AND TECHNICAL EDUCATION COURSES AND PROGRAMS TO MITIGATE THE IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY ON STUDENTS FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF COLOR, AND FIRST-GENERATION STUDENTS, THESE STUDENTS MAY FACE LONG-TERM, NEGATIVE EDUCATIONAL AND ECONOMIC IMPACTS FROM THE COVID-19 PUBLIC HEALTH EMERGENCY.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT APPROPRIATING A PORTION OF THE FEDERAL MONEY FOR THE CONCURRENT ENROLLMENT EXPANSION AND INNOVATION GRANT PROGRAM CREATED IN THIS SECTION WILL PROVIDE THE KIND OF ASSISTANCE FOR WHICH COLORADO WILL RECEIVE MONEY FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND AND THEREFORE IS AN APPROPRIATE AND LAWFUL USE OF THE MONEY TRANSFERRED TO COLORADO UNDER THE "AMERICAN RESCUE PLAN ACT OF 2021".

(c) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 2026.

SECTION 25. In Colorado Revised Statutes, 22-54-138, **add** (2.5) as follows:

22-54-138. Career development success program - created - funding - report - legislative declaration - definitions - repeal. (2.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) ON MARCH 11, 2021, THE FEDERAL GOVERNMENT ENACTED THE "AMERICAN RESCUE PLAN ACT OF 2021" (ARPA), PUB.L. 117-2, AS THE ACT MAY BE SUBSEQUENTLY AMENDED, PURSUANT TO WHICH COLORADO WILL RECEIVE \$3,828,761,790 FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO BE USED FOR CERTAIN SPECIFIED PURPOSES, INCLUDING "TO RESPOND TO THE PUBLIC HEALTH EMERGENCY WITH RESPECT TO THE CORONAVIRUS DISEASE 2019 (COVID-19) OR ITS NEGATIVE ECONOMIC IMPACTS, INCLUDING ASSISTANCE TO HOUSEHOLDS, SMALL BUSINESSES, AND NONPROFITS, OR AID TO IMPACTED INDUSTRIES SUCH AS TOURISM, TRAVEL, AND HOSPITALITY";

(II) UNDER THE AUTHORITY GRANTED PURSUANT TO SECTION 602 (f) OF THE ARPA, THE SECRETARY OF THE UNITED STATES TREASURY ADOPTED REGULATIONS PROVIDING FURTHER GUIDANCE TO STATES REGARDING THE AUTHORIZED USES OF

THE MONEY ALLOCATED TO STATES FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND TO RESPOND TO THE PUBLIC HEALTH EMERGENCY OR ITS NEGATIVE ECONOMIC IMPACTS, WHICH INCLUDE:

(A) PROVIDING ASSISTANCE TO UNEMPLOYED WORKERS, INCLUDING JOB TRAINING FOR INDIVIDUALS WHO WANT TO AND ARE AVAILABLE FOR WORK;

(B) PROVIDING AID TO IMPACTED INDUSTRIES TO RESPOND TO THE NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY; AND

(C) PROVIDING PROGRAMS, SERVICES, OR OTHER ASSISTANCE FOR POPULATIONS DISPROPORTIONATELY IMPACTED BY THE COVID-19 PUBLIC HEALTH EMERGENCY, SUCH AS PROGRAMS OR SERVICES THAT ADDRESS OR MITIGATE THE IMPACTS OF THE PUBLIC HEALTH EMERGENCY ON EDUCATION;

(III) COLORADO'S RECOVERY FROM THE COVID-19 PUBLIC HEALTH EMERGENCY REQUIRES PROGRAMS THAT SUPPORT A SKILLED WORKFORCE AND THAT MITIGATE THE LONG-TERM, NEGATIVE IMPACTS ON EDUCATIONAL AND ECONOMIC OUTCOMES FOR STUDENTS;

(IV) STUDENTS FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF COLOR, AND FIRST-GENERATION STUDENTS FACE INCREASED CHALLENGES DUE TO THE COVID-19 PANDEMIC AND THE LOSS OF STUDENT AND HOUSEHOLD INCOME AND DISRUPTED LEARNING; AND

(V) BY INCENTIVIZING SCHOOL DISTRICTS AND CHARTER SCHOOLS TO INCREASE THE PARTICIPATION OF STUDENTS IN QUALIFIED INDUSTRY-CREDENTIAL PROGRAMS, QUALIFIED INTERNSHIPS, RESIDENCY, CONSTRUCTION-INDUSTRY PRE-APPRENTICESHIP OR APPRENTICESHIP PROGRAMS, AND ADVANCED PLACEMENT PROGRAMS FOR COLLEGE CREDIT, SCHOOL DISTRICTS AND CHARTER SCHOOLS HELP MITIGATE THE LONG-TERM, NEGATIVE IMPACTS FROM THE COVID-19 PUBLIC HEALTH EMERGENCY ON EDUCATIONAL AND ECONOMIC OUTCOMES FOR STUDENTS FROM LOW-INCOME COMMUNITIES, STUDENTS FROM COMMUNITIES OF COLOR, AND FIRST-GENERATION STUDENTS.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT APPROPRIATING A PORTION OF THE FEDERAL MONEY FOR THE CAREER DEVELOPMENT SUCCESS PROGRAM CREATED IN THIS SECTION WILL PROVIDE THE KIND OF ASSISTANCE FOR WHICH COLORADO WILL RECEIVE MONEY FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND AND THEREFORE IS AN APPROPRIATE AND LAWFUL USE OF THE MONEY TRANSFERRED TO COLORADO UNDER THE "AMERICAN RESCUE PLAN ACT OF 2021".

(c) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 2026.

SECTION 26. In Colorado Revised Statutes, 22-54-102, **add** (5) as follows:

22-54-102. Legislative declaration - statewide applicability - intergovernmental agreements. (5)(a) THE GENERAL ASSEMBLY FINDS THAT, DUE TO THE COVID-19 PANDEMIC BEGINNING DURING THE 2019-20 SCHOOL YEAR, COLORADO'S PUBLIC EDUCATION SYSTEM HAS FACED SIGNIFICANT DISRUPTIONS TO

THE DELIVERY OF CLASSROOM INSTRUCTION, STUDENT LEARNING, AND ACCESS TO CRITICALLY NECESSARY NUTRITIONAL, HEALTH, AND SOCIAL-EMOTIONAL SUPPORT SERVICES. THEREFORE, THE GENERAL ASSEMBLY FINDS THAT:

(I) A WORLD-CLASS PUBLIC EDUCATION IS CRITICAL TO MEETING THE WORKFORCE DEMANDS FOR COLORADO'S ECONOMY;

(II) THE CHANGING REALITIES OF COLORADO'S POST-PANDEMIC ECONOMY DEMAND THAT STUDENTS BE AGILE LEARNERS ABLE TO CONTINUOUSLY LEARN, ADAPT, AND SHIFT INTO NEW ROLES BY DEVELOPING CRITICAL THINKING, COLLABORATION, AND PROBLEM-SOLVING SKILLS; AND

(III) THE NEEDS OF THE STATE REQUIRE THAT ALL STUDENTS, INCLUDING THOSE WHO ARE UNDERSERVED OR FACE SIGNIFICANT CHALLENGES IN MEETING COLORADO'S GRADUATION GUIDELINES, COMPLETE HIGH SCHOOL CAREER AND COLLEGE READY.

(b) TO PROVIDE EACH CHILD IN THIS STATE WITH A HIGH-QUALITY PUBLIC EDUCATION, THE GENERAL ASSEMBLY DECLARES THAT COLORADO'S PUBLIC SCHOOL FINANCE FORMULA MUST BE REDESIGNED AND MODERNIZED TO:

(I) PRIORITIZE EQUITY, FOCUSING ON INDIVIDUAL STUDENT NEEDS BY INCREASING THE FUNDING FOR STUDENTS WHO ARE ECONOMICALLY DISADVANTAGED AND STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS; AND

(II) ADDRESS THE INEQUITIES IN SCHOOL DISTRICT FUNDING THAT ARISE FROM THE DRAMATIC DIFFERENCES IN LOCAL PROPERTY WEALTH AND MILL LEVY OVERRIDES.

(c) FURTHER, THE GENERAL ASSEMBLY DECLARES THAT, BECAUSE ENGLISH LANGUAGE LEARNER FUNDING WILL NOW BE INCLUDED IN THE SCHOOL FINANCE FORMULA, IT IS APPROPRIATE TO FUND THIS INCLUSION BY REDIRECTING TO THE STATE SHARE OF TOTAL PROGRAM THE AMOUNT PREVIOUSLY APPROPRIATED FOR THE PROFESSIONAL DEVELOPMENT AND STUDENT SUPPORT PROGRAM CREATED IN SECTION 22-24-108. THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE REMAINING COSTS OF THE SCHOOL FINANCE FORMULA CHANGES ARE OFFSET BY THE SAVINGS TO THE STATE SHARE OF TOTAL PROGRAM THAT OCCUR AS A RESULT OF CORRECTING THE UNAUTHORIZED REDUCTIONS IN DISTRICT PROPERTY TAX MILL LEVIES AS PROVIDED IN SECTION 22-54-106 (2.1).

SECTION 27. In Colorado Revised Statutes, 22-54-103, **amend** (1.5) and (10)(f); and **add** (6.5) as follows:

22-54-103. Definitions. As used in this article 54, unless the context otherwise requires:

(1.5) (a) "At-risk pupils" means:

(I) to (IV) Repealed.

(V) For the 2005-06 budget year ~~and budget years thereafter~~ THROUGH THE 2020-21 BUDGET YEAR, the number of district pupils who are English language

learners plus the greater of:

(A) The number of district pupils eligible for free lunch; or

(B) The number of pupils calculated in accordance with the following formula:

District percentage of pupils eligible for free lunch x District pupil enrollment.

(VI) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE GREATER OF:

(A) THE NUMBER OF DISTRICT PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH; OR

(B) THE NUMBER OF PUPILS CALCULATED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH
x DISTRICT PUPIL ENROLLMENT.

(b) For purposes of ~~this subsection (1.5)~~ SUBSECTION (1.5)(a)(V) OF THIS SECTION:

(I) "District percentage of pupils eligible for free lunch" means the district pupils eligible for free lunch in grades one through eight divided by the district pupil enrollment in grades one through eight.

(II) "District pupil enrollment" means the pupil enrollment of the district, as determined in accordance with subsection (10) of this section, minus the number of pupils enrolled in the Colorado preschool program pursuant to article 28 of this ~~title~~ TITLE 22 and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this ~~title~~ TITLE 22.

(III) "District pupils eligible for free lunch" means the number of pupils included in the district pupil enrollment who are eligible for free lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

(IV) "District pupils who are English language learners" means the number of pupils included in the district pupil enrollment for the preceding budget year who were not eligible for free lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., and who are English language learners, as defined in section 22-24-103 (4), and:

(A) Whose scores were not included in calculating school academic performance grades as provided in section 22-7-1006.3; or

(B) Who took an assessment administered pursuant to section 22-7-1006.3 in a language other than English.

(c) FOR PURPOSES OF SUBSECTION (1.5)(a)(VI) OF THIS SECTION:

(I) "DISTRICT PERCENTAGE OF PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH" MEANS THE DISTRICT PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH IN GRADES ONE THROUGH EIGHT DIVIDED BY THE DISTRICT PUPIL ENROLLMENT IN GRADES ONE THROUGH EIGHT.

(II) "DISTRICT PUPIL ENROLLMENT" MEANS THE PUPIL ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION, MINUS THE NUMBER OF PUPILS ENROLLED IN THE COLORADO PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF THIS TITLE 22 AND THE NUMBER OF THREE-YEAR-OLD OR FOUR-YEAR-OLD PUPILS WITH DISABILITIES RECEIVING EDUCATIONAL PROGRAMS PURSUANT TO ARTICLE 20 OF THIS TITLE 22.

(III) "DISTRICT PUPILS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH" MEANS THE NUMBER OF PUPILS INCLUDED IN THE DISTRICT PUPIL ENROLLMENT WHO ARE ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

~~(e)~~ (d) For purposes of this subsection (1.5), at-risk pupils ~~shall be~~ ARE counted in the same manner as pupils are counted pursuant to subsection (10) of this section.

(6.5) "ENGLISH LANGUAGE LEARNER PUPILS" MEANS THE NUMBER OF DISTRICT PUPILS WHO ARE ENGLISH LANGUAGE LEARNERS, AS DEFINED IN SECTION 22-24-103 (4), AND FOR WHOM THE DISTRICT RECEIVED FUNDING PURSUANT TO SECTION 22-24-104 (3)(b)(I).

(10) (f) In certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify the number of pupils enrolled in kindergarten through twelfth grade, specifying those who are enrolled as full-time pupils and those who are enrolled as less than full-time pupils; the number of expelled pupils receiving educational services pursuant to section 22-33-203; the number of pupils enrolled in the district's preschool program; the number of pupils receiving educational programs under the "Exceptional Children's Educational Act", article 20 of this title 22; ~~and~~ the number of at-risk pupils; AND THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS.

SECTION 28. In Colorado Revised Statutes, 22-54-104, **amend** (2)(a)(IX) introductory portion, (2)(b) introductory portion, (2)(b)(II), (3.5) introductory portion, and (3.5)(d)(III); and **add** (2)(a)(X), (3.5)(d)(IV), and (4.3) as follows:

22-54-104. District total program - definitions. (2) (a) (IX) Except as otherwise provided in this subsection (2), ~~paragraph (g) of subsection (5) or subsection (6)~~ SUBSECTION (5)(g) of this section, or section 22-54-104.3, a district's total program for the 2009-10 budget year ~~and budget years thereafter shall be~~ THROUGH THE 2020-21 BUDGET YEAR IS THE GREATER OF THE FOLLOWING:

(X) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2), SUBSECTION (5)(g) OF THIS SECTION, OR SECTION 22-54-104.3, A DISTRICT'S TOTAL PROGRAM FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS THEREAFTER IS THE GREATER OF THE FOLLOWING:

(A) (DISTRICT PER PUPIL FUNDING x (DISTRICT FUNDED PUPIL COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT)) + DISTRICT AT-RISK FUNDING + DISTRICT ENGLISH LANGUAGE LEARNER FUNDING + DISTRICT ONLINE FUNDING + DISTRICT EXTENDED HIGH SCHOOL FUNDING; OR

(B) (MINIMUM PER PUPIL FUNDING x (DISTRICT FUNDED PUPIL COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT)) + DISTRICT ONLINE FUNDING + DISTRICT EXTENDED HIGH SCHOOL FUNDING.

(b) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine, the district's total program ~~shall be~~ is the lesser of:

(II) (A) FOR THE 2009-10 BUDGET YEAR THROUGH THE 2020-21 BUDGET YEAR, the district's total program as calculated by: Adding the amount determined by multiplying the district's per pupil funding by four hundred fifty-nine to the amount determined by multiplying 12% of the district's per pupil funding by the district's at-risk pupils; then dividing the sum of those two amounts by four hundred fifty-nine; then multiplying the resulting amount by the district's funded pupil count minus the district's online pupil enrollment; and then adding the district's online funding.

(A.5) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DISTRICT'S TOTAL PROGRAM AS CALCULATED BY: ADDING THE AMOUNT DETERMINED BY MULTIPLYING THE DISTRICT'S PER PUPIL FUNDING BY FOUR HUNDRED FIFTY-NINE TO THE AMOUNT DETERMINED BY MULTIPLYING 12% OF THE DISTRICT'S PER PUPIL FUNDING BY THE DISTRICT'S AT-RISK PUPILS AND THE AMOUNT DETERMINED BY MULTIPLYING 8% OF THE DISTRICT'S PER PUPIL FUNDING BY THE DISTRICT'S ENGLISH LANGUAGE LEARNER PUPILS; THEN DIVIDING THE SUM OF THOSE THREE AMOUNTS BY FOUR HUNDRED FIFTY-NINE; THEN MULTIPLYING THE RESULTING AMOUNT BY THE DISTRICT'S FUNDED PUPIL COUNT MINUS THE DISTRICT'S ONLINE PUPIL ENROLLMENT AND MINUS THE DISTRICT'S EXTENDED HIGH SCHOOL PUPIL ENROLLMENT; AND THEN ADDING THE DISTRICT'S ONLINE FUNDING AND ADDING THE DISTRICT'S EXTENDED HIGH SCHOOL FUNDING.

(B) For purposes of ~~sub-subparagraph (A) of this subparagraph (II)~~ SUBSECTIONS (2)(b)(II)(A) AND (2)(b)(II)(A.5) OF THIS SECTION only, a district's per pupil funding ~~shall be~~ is calculated by establishing the district's per pupil funding in accordance with subsection (3) of this section except using the size factor for a district with a funded pupil count of four hundred fifty-nine and not the district's actual size factor.

(3.5) Minimum per pupil funding ~~shall be~~ is:

(d) (III) (A) As used in this subsection (3.5), for the 2009-10 budget year ~~and budget years thereafter~~ THROUGH THE 2020-21 BUDGET YEAR, "minimum per pupil funding base" means the total of the calculation specified in ~~sub-subparagraph (B) of this subparagraph (III)~~ SUBSECTION (3.5)(d)(III)(B) OF THIS SECTION for all districts for the budget year divided by the statewide funded pupil count minus the statewide online pupil enrollment and minus the statewide extended high school

pupil enrollment, for said budget year.

(B) The following calculation shall be used for the purpose of determining the minimum per pupil funding base pursuant to this ~~subparagraph (III)~~ SUBSECTION (3.5)(d)(III):

(District per pupil funding x (District funded pupil count - District online pupil enrollment - District extended high school pupil enrollment)) + District at-risk funding.

(IV) (A) AS USED IN THIS SUBSECTION (3.5), FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS THEREAFTER, "MINIMUM PER PUPIL FUNDING BASE" MEANS THE TOTAL OF THE CALCULATION SPECIFIED IN SUBSECTION (3.5)(d)(IV)(B) OF THIS SECTION FOR ALL DISTRICTS FOR THE BUDGET YEAR DIVIDED BY THE STATEWIDE FUNDED PUPIL COUNT MINUS THE STATEWIDE ONLINE PUPIL ENROLLMENT AND MINUS THE STATEWIDE EXTENDED HIGH SCHOOL PUPIL ENROLLMENT, FOR THE APPLICABLE BUDGET YEAR.

(B) THE FOLLOWING CALCULATION IS USED TO DETERMINE THE MINIMUM PER PUPIL FUNDING BASE PURSUANT TO THIS SUBSECTION (3.5)(d)(IV):

(DISTRICT PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL COUNT - DISTRICT ONLINE PUPIL ENROLLMENT - DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT)) + DISTRICT AT-RISK FUNDING + DISTRICT ENGLISH LANGUAGE LEARNER FUNDING.

(4.3) A DISTRICT'S ENGLISH LANGUAGE LEARNER FUNDING FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS THEREAFTER IS DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

(DISTRICT PER PUPIL FUNDING X 8%) X ENGLISH LANGUAGE LEARNER PUPILS.

SECTION 29. In Colorado Revised Statutes, 22-54-112, **add** (5) as follows:

22-54-112. Reports to the state board. (5) ON OR BEFORE NOVEMBER 10, 2021, AND ON OR BEFORE NOVEMBER 10 OF EACH YEAR THEREAFTER, IN CERTIFYING THE PUPIL ENROLLMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT AND THE SECRETARY OF THE STATE CHARTER SCHOOL INSTITUTE BOARD SHALL SPECIFY THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS.

SECTION 30. In Colorado Revised Statutes, 22-54-104.2, **add** (4) as follows:

22-54-104.2. Legislative declaration. (4) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE EXPANSION OF THE DEFINITION OF "AT-RISK PUPILS", AS DEFINED IN SECTION 22-54-103 (1.5)(a)(VI), TO INCLUDE DISTRICT PUPILS ELIGIBLE FOR REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., AND THE ADDITION OF ENGLISH LANGUAGE LEARNER FUNDING PURSUANT TO SECTION 22-54-104 (4.3) ARE IMPORTANT ELEMENTS OF ACCOUNTABLE PROGRAMS TO MEET

STATE ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 31. In Colorado Revised Statutes, 22-30.5-112.1, **amend** (1)(a)(I)(A); and **add** (1)(j.2), (1)(j.4), and (1)(j.6) as follows:

22-30.5-112.1. Charter schools - exclusive jurisdiction districts - authorized on or after July 1, 2004 - financing - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

(a) (I) "Adjusted district per pupil revenues" means the greater of:

(A) The qualifying school district's per pupil funding plus the qualifying school district's at-risk per pupil funding PLUS THE QUALIFYING SCHOOL DISTRICT'S ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING; or

(j.2) "ENGLISH LANGUAGE LEARNER FUNDING" MEANS THE AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FORMULA DESCRIBED IN SECTION 22-54-104 (4.3).

(j.4) "ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING" MEANS THE AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

(THE QUALIFYING SCHOOL DISTRICT'S ENGLISH LANGUAGE LEARNER FUNDING DIVIDED BY THE QUALIFYING SCHOOL DISTRICT'S FUNDED PUPIL COUNT) X (THE DISTRICT CHARTER SCHOOL'S PERCENTAGE OF ENGLISH LANGUAGE LEARNER PUPILS DIVIDED BY THE QUALIFYING SCHOOL DISTRICT'S PERCENTAGE OF ENGLISH LANGUAGE LEARNER PUPILS)

(j.6) "ENGLISH LANGUAGE LEARNER PUPILS" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-54-103 (6.5).

SECTION 32. In Colorado Revised Statutes, 22-30.5-513, **amend** (1)(b)(I)(A); and **add** (1)(d.2), (1)(d.4), and (1)(i.5) as follows:

22-30.5-513. Institute charter schools - funding - at-risk supplemental aid - legislative declaration - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

(b) (I) "Accounting district's adjusted per pupil revenues" means the greater of:

(A) The accounting district's per pupil funding plus the accounting district's at-risk per pupil funding PLUS THE ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING; or

(d.2) "ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER FUNDING" MEANS THE AMOUNT OF FUNDING FOR ENGLISH LANGUAGE LEARNER PUPILS IN THE ACCOUNTING DISTRICT DETERMINED IN ACCORDANCE WITH THE FORMULA DESCRIBED IN SECTION 22-54-104 (4.3).

(d.4) "ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER PER PUPIL FUNDING" MEANS THE AMOUNT OF FUNDING DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

(THE ACCOUNTING DISTRICT'S ENGLISH LANGUAGE LEARNER FUNDING DIVIDED BY THE ACCOUNTING DISTRICT'S FUNDED PUPIL COUNT) X (THE INSTITUTE CHARTER SCHOOL'S PERCENTAGE OF ENGLISH LANGUAGE LEARNER PUPILS DIVIDED BY THE ACCOUNTING DISTRICT'S PERCENTAGE OF ENGLISH LANGUAGE LEARNER PUPILS).

(i.5) "ENGLISH LANGUAGE LEARNER PUPILS" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-54-103 (6.5).

SECTION 33. Appropriation. For the 2021-22 state fiscal year, \$505,743,696 is appropriated to the department of education. This appropriation consists of \$478,743,696 from the general fund and \$27,000,000 from the state education fund created in section 17 (4)(a) of article IX of the state constitution. To implement this act, the department may use this appropriation for the state share of districts' total program funding.

SECTION 34. Appropriation to the department of education for the fiscal year beginning July 1, 2021. Section 2 of SB 21-205, amend Part III (2)(A) Footnote 7, as follows:

Section 2. Appropriation.

- 7 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Pursuant to Section 22-35-108 (2)(a), C.R.S., the purpose of this footnote is to specify what portion of this appropriation is intended to be available for the Accelerating Students Through Concurrent Enrollment (ASCENT) Program for FY 2021-22. It is the General Assembly's intent that the Department of Education be authorized to utilize up to ~~\$3,812,185~~ \$4,065,000 of this appropriation to fund qualified students designated as ASCENT Program participants. This amount is calculated based on an estimated 500 FTE participants funded at a rate of ~~\$7,624~~ \$8,130 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

SECTION 35. Appropriation - adjustments to 2021 long bill. To implement this act, the cash funds appropriation from the state education fund created in section 17 (4)(a) of article IX of the state constitution made in the annual general appropriation act for the 2021-22 state fiscal year to the department of education for the English language learners professional development and student support program is decreased by \$27,000,000.

SECTION 36. Appropriation. For the 2021-22 state fiscal year, \$400,000 is appropriated to the department of education. This appropriation is from the state public school fund created in section 22-54-114 (1), C.R.S. To implement this act, the department may use this appropriation for school finance audit payments.

SECTION 37. Appropriation. For the 2021-22 state fiscal year, \$2,000,000 is

appropriated to the department of education. This appropriation is from the state education fund created in section 17 (4)(a) of article IX of the state constitution. To implement this act, the department may use this appropriation for the school counselor corps grant program.

SECTION 38. Appropriation. (1) For the 2021-22 state fiscal year, \$2,200,444 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$800,000 for the ninth grade success program, which amount is based on an assumption that the department will require an additional 0.6 FTE;

(b) \$375,807 for the school leadership pilot program;

(c) \$280,730 for the accelerated college opportunity exam fee grant program;

(d) \$250,000 for the John W. Buckner automatic enrollment in advanced courses grant program, which amount is based on an assumption that the department will require an additional 0.3 FTE; and

(e) \$493,907 for the local accountability systems grant program, which amount is based on an assumption that the department will require an additional 0.4 FTE.

SECTION 39. Appropriation. (1) For the 2021-22 state fiscal year, \$5,500,000 is appropriated to the department of education. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$2,500,000 for the K-5 social and emotional health pilot program, which amount is based on an assumption that the department will require an additional 1.0 FTE; and

(b) \$3,000,000 for the behavioral health care professional matching grant program.

SECTION 40. Appropriation. (1) For the 2021-22 state fiscal year, \$2,000,000 is appropriated to the mill levy equalization fund created in section 22-30.5-513.1 (2)(a), C.R.S. This appropriation is from the general fund. The department of education is responsible for the accounting related to this appropriation.

(2) For the 2021-22 state fiscal year, \$2,000,000 is appropriated to the department of education. This appropriation is from reappropriated funds in the mill levy equalization fund under subsection (1) of this section. To implement this act, the department may use the appropriation for CSI mill levy equalization.

SECTION 41. Appropriation. (1) For the 2021-22 state fiscal year, \$3,500,000 is appropriated to the department of education. This appropriation is from the workers, employers, and workforce centers cash fund created in section 24-75-231, C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. To implement this act, the department may use this appropriation as

follows:

(a) \$1,750,000 for the concurrent enrollment expansion and innovation grant program; and

(b) \$1,750,000 for the career development success program.

SECTION 42. Appropriation. For the 2021-22 state fiscal year, \$410,221 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the Colorado imagination library program.

SECTION 43. Effective date. This act takes effect upon passage; except that sections 24, 25, and 41 of this act take effect only if House Bill 21-1264 is enacted and becomes law.

SECTION 44. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 11, 2021